

AO 120 (Rev. 2/99)

TO: Commissioner of Patents and Trademarks Washington, DC 20231	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Central on the following ☒ Patents or ☒ Trademarks:

DOCKET NO. CV 08-01889	DATE FILED JFW/CTX	U.S. DISTRICT COURT Central District of California
PLAINTIFF Nike, Inc.		DEFENDANT Michael Masjuan a/k/a Mike Masjuan, Dalia Masjuan and Does 1 - 10, inclusive,
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 SEE EXHIBIT A34 TM		Nike, Inc.
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Answer <input checked="" type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT "See attached Judgment"

CLERK Allen Abersman, Acting	(BY) DEPUTY CLERK J. Lam	DATE 9/17/2008
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

ORIGINAL

EXHIBIT A

**Nike Registrations for Footwear
International Class 25**

Trademark	Registration Number	Registration Date
AIR-SOLE	1,145,812	January 13, 1981
SWOOSH	1,200,529	July 6, 1982
NIKE	1,214,930	November 2, 1982
Nike® and Swoosh® Design	1,237,469	May 10, 1983
Nike®	1,277,066	May 8, 1984
Swoosh® Design	1,284,385	July 3, 1984
NIKE AIR w/Swoosh device	1,284,386	July 3, 1984
NIKE AIR	1,307,123	November 27, 1984
Air Jordan®	1,370,283	November 12, 1985
Swoosh device on shoe	1,323,342	March 5, 1985
Swoosh device	1,323,343	March 5, 1985
NIKE w/Swoosh device	1,325,938	March 19, 1985
AIR JORDAN	1,370,283	November 12, 1985
AIR MAX	1,508,348	October 11, 1988
AIR TRAINER	1,508,360	October 11, 1988
Jump Man device	1,558,100	September 26, 1989
Nike Air®	1,571,066	December 12, 1989
AIR SKYLON	1,665,479	November 19, 1991
AIR SOLO FLIGHT	1,668,590	December 17, 1991
AIR FLIGHT	1,686,515	May 12, 1992
AIR DESCHUTZ	1,735,721	November 24, 1992
Jump Man device	1,742,019	December 22, 1992
AIR TRAINER MAX	1,789,463	August 24, 1993
AIRMAX in oval	2,030,750	January 14, 1997
AIR UPTempo in crest	2,032,582	January 21, 1997
AIR with Swoosh device	2,068,075	June 3, 1997
NIKE with Swoosh device	2,104,329	October 7, 1997
ACG NIKE in triangle	2,117,273	December 2, 1997
Nike®	2,196,735	October 13, 1998
Nike® and Swoosh® Design	2,209,815	December 8, 1998
Stylized "B"	2,476,882	August 14, 2001
NIKE ALPHA PROJECT as device	2,517,735	December 11, 2001
WAFFLE RACER	2,652,318	November 19, 2002
PHYLITE	2,657,832	December 10, 2002

EXHIBIT A

1	TRUNNER	2,663,568	December 17, 2002
2	DRI-STAR	2,691,476	February 25, 2003
3	PRESTO	2,716,140	May 13, 2003
4	TRIAX	2,810,679	February 3, 2004
5	WAFFLE TRAINER	2,893,674	October 12, 2004
6	THERMA-STAR	2,960,844	June 7, 2005
7	NIKE SHOX	2,970,902	July 19, 2005
8	STARTER	2,971,216	July 19, 2005
9	Basketball player outline	2,977,850	July 26, 2005
10	NIKEFREE	3,087,455	May 2, 2006

1 J. Andrew Coombs (SBN 123881)
andy@coombspc.com
2 Annic S. Wang (SBN 243027)
annie@coombspc.com
3 J. Andrew Coombs, A P. C.
517 East Wilson Avenue, Suite 202
4 Glendale, California 91206
Telephone: (818) 500-3200
5 Facsimile: (818) 500-3201

6 Attorneys for Plaintiff Nike, Inc.

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NOTE: CHANGES HAVE BEEN
MADE TO THIS DOCUMENT

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 Nike, Inc.,

11 Plaintiff,

12 v.

13 Michael Masjuan a/k/a Mike Masjuan,
14 Dalia Masjuan and Does 1 – 10, inclusive,

15 Defendants.

Case No. CV08-01889 JFW (CTx)

JUDGMENT PURSUANT TO
ENTRY OF DEFAULT

16 This cause having come before this Court on the motion of Plaintiff Nike, Inc.
17 (“Nike” or “Plaintiff”) for entry of default judgment and a permanent injunction
18 against Defendants Michael Masjuan a/k/a Mike Masjuan and Dalia Masjuan
19 (collectively “Defendants”);

20 AND, the Court having read and considered the pleadings, declarations and
21 exhibits on file in this matter and having reviewed such evidence as was presented in
22 support of Plaintiff’s Motion;

23 AND, GOOD CAUSE APPEARING THEREFORE, the Court finds the
24 following facts:

25 Nike owns or controls the pertinent rights in and to the trademarks listed in
26 Exhibit “A” attached hereto and incorporated herein by this reference (The trademarks
27 identified in Exhibit “A” are collectively referred to herein as the “Nike Trademarks”).

28 All of the Nike Trademarks are current and in full force and effect.

1 As a direct result of Nike's longstanding use, sales, advertising and marketing,
2 the Nike Trademarks have acquired secondary and distinctive meaning among the
3 public who have come to identify the Nike Trademarks with Nike and its products.
4 Many of the marks have become incontestable pursuant to 15 U.S.C. § 1065.
5 Additionally, all of the Nike Trademarks qualify as famous marks pursuant to 15
6 U.S.C. § 1125.

7 Defendants engage in the manufacture, purchase, distribution, offering for sale
8 and/or sale of counterfeit and/or infringing footwear bearing the Nike Trademarks to
9 the general public.

10 Defendants in this action are sellers of counterfeit Nike branded shoes through
11 the Internet, including but not necessarily limited to the websites airjordanstore.com
12 and air-jordan-store.com. Through such active manufacturing, purchasing,
13 distributing, offering of sale and selling of unlicensed and counterfeit footwear, Nike
14 is irreparably damaged through consumer confusion, dilution and tarnishment of its
15 valuable trademarks.

16 Defendants have caused to be imported, distributed, offered for sale and sold
17 footwear bearing one or more of the Nike Trademarks without the authorization of
18 Nike. Defendants manufacture, purchase, distribute, offer for sale and sell footwear
19 and related merchandise bearing the Nike Trademarks in California and in interstate
20 commerce. Defendants have and are likely to cause confusion, deception and mistake
21 as to the source and origin of the footwear and related merchandise in that the buying
22 public may conclude that the products sold by Defendants are authorized, sponsored,
23 approved or associated with Nike.

24 Defendants' use in commerce of the Nike Trademarks in the sale of footwear
25 and related merchandise is an infringement of Nike's registered trademarks in violation
26 of 15 U.S.C. §§ 1114(1) and 1125.
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1 Defendants have profited from their unlawful activities. Unless Defendants'
2 conduct is enjoined, Nike and its goodwill and reputation will continue to suffer
3 irreparable injury which cannot be adequately calculated or compensated solely by
4 money damages. Accordingly, Nike seeks preliminary and permanent injunctive relief
5 pursuant to 15 U.S.C. § 1116.

6 Defendants committed the acts alleged in the Complaint intentionally,
7 fraudulently, maliciously, willfully, wantonly and oppressively with the intent to
8 injure Nike and its business.

9 The liability of the Defendants in the above-referenced action for their acts in
10 violation of Nike's rights is knowing and willful, and as such, the Court expressly
11 finds that there is no just reason for delay in entering the default judgment and
12 permanent injunction sought herein.

13 Therefore, based upon the foregoing facts, and

14 GOOD CAUSE APPEARING THEREFORE, THE COURT ORDERS that this
15 Judgment shall be and is hereby entered in the within action as follows:

- 16 1) This Court has jurisdiction over the parties to this action and over the subject
17 matter hereof pursuant to the provisions of the Lanham Act, 15 U.S.C. §
18 1051, et seq., as well as 28 U.S.C. § 1338(a) and 28 U.S.C. § 1331.
- 19 2) Service of process was properly made on the Defendants.
- 20 3) Defendants have made unauthorized uses of the Nike Trademarks or
21 substantially similar likenesses or colorable imitations thereof.
- 22 4) Defendants and their agents, servants, employees and all persons in active
23 concert and participation with them who receive actual notice of the Injunction are
24 hereby restrained and enjoined from:
 - 25 a) Infringing the Nike Trademarks, either directly or contributorily, in any
26 manner, including generally, but not limited to manufacturing, importing,
27 distributing, advertising, selling and/or offering for sale any unauthorized
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1 product which features any of the Nike Trademarks ("Unauthorized Products"),
2 and, specifically from:

3 i) Importing, manufacturing, distributing, advertising, selling and/or
4 offering for sale the Unauthorized Products or any other unauthorized
5 products which picture, reproduce, copy or use the likenesses of or bear a
6 confusing similarity to any of the Nike Trademarks;

7 ii) Importing, manufacturing, distributing, advertising, selling and/or
8 offering for sale in connection thereto any unauthorized promotional
9 materials, labels, packaging or containers which picture, reproduce, copy
10 or use the likenesses of or bear a confusing similarity to any of the Nike
11 Trademarks;

12 iii) Engaging in any conduct that tends falsely to represent that, or is
13 likely to confuse, mislead or deceive purchasers, Defendants' customers
14 and/or members of the public to believe, the actions of Defendants, the
15 products sold by Defendants, or Defendants themselves are connected
16 with Nike, are sponsored, approved or licensed by Nike, or are affiliated
17 with Nike;

18 iv) Affixing, applying, annexing or using in connection with the
19 importation, manufacture, distribution, advertising, sale and/or offer for
20 sale or other use of any goods or services, a false description or
21 representation, including words or other symbols, tending to falsely
22 describe or represent such goods as being those of Nike.

23 5) Defendants are ordered to deliver for destruction all Unauthorized Products,
24 including footwear, and labels, signs, prints, packages, dyes, wrappers, receptacles and
25 advertisements relating thereto in their possession or under their control bearing any of
26 the Nike Trademarks or any simulation, reproduction, counterfeit, copy or colorable
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imitations thereof, and all plates, molds, heat transfers, screens, matrices and other means of making the same.

6) Defendants are ordered to pay damages to Nike pursuant to 15 U.S.C. § 1117 in the sum of One Hundred Thousand Dollars (\$100,000.00).

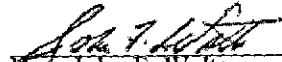
7) Defendants are ordered to pay interest on the principal amount of the judgment to Plaintiff at the statutory rate pursuant to 28 U.S.C. §1961(a).

8) ~~This Judgment shall be deemed to have been served upon Defendants at the time of its execution by the Court.~~ [stricken by court]

9) The Court finds there is no just reason for delay in entering this Judgment and, pursuant to Fed. R. Civ. P. 54(a), the Court directs immediate entry of this Judgment against Defendants.

10) The Court shall retain jurisdiction of this action to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and enforce the provisions of this Judgment.

DATED: September 17, 2008


Hon. John F. Walter
Judge, United States District Court,
Central District of California

PRESENTED BY:

J. Andrew Coombs,
A Professional Corporation

By: /s/ Annie S. Wang
J. Andrew Coombs
Annie S. Wang
Attorneys for Plaintiff Nike, Inc.